



# Vehicle Excise and Registration Act 1994

## 1994 CHAPTER 22

### PART V

#### SUPPLEMENTARY

##### *Regulations and orders*

#### **57 Regulations.**

- (1) The Secretary of State may make regulations generally for the purpose of carrying into effect the provisions of this Act<sup>F1</sup> . . .
- (2) Regulations under this Act—
  - (a) may make different provision for different cases or circumstances, and
  - (b) may contain such incidental, consequential and supplemental provisions as the Secretary of State considers expedient for the purposes of the regulations.
- (3) Regulations under this Act (other than regulations under section 26 or 27)—
  - (a) may make different provision for different parts of the United Kingdom, and
  - (b) may provide for exemptions from any provision of the regulations.
- (4) Nothing in any other provision of this Act limits subsections (1) to (3).
- (5) Regulations under sections 20(4), 22, 23(4) and (5), 24(1) to (3) and 28 may provide that any document for which provision is made by the regulations—
  - (a) is to be in such form, and
  - (b) is to contain such particulars,as may be specified by a person prescribed by the regulations.
- (6) Any power to make regulations under this Act is exercisable by statutory instrument.
- (7) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8)<sup>F2</sup> .....

*Status: Point in time view as at 25/07/2003.*

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#### Textual Amendments

- F1** Words in s. 57(1) repealed (29.4.1996) by 1996 c. 8, ss. 23, 205, Sch. 16, **Sch. 41 Pt. II** Note  
**F2** S. 57(8) repealed (24.7.2002) by **Finance Act 2002 (c. 23)**, ss. 20(2)(b), 141, **Sch. 40 Pt. 1(5)**

### 58 Fees prescribed by regulations.

- (1) Any fee prescribed by regulations under section 7(6)(b) or 14(4)(b), and any charge prescribed by regulations under section 25(1), shall be of an amount approved by the Treasury.
- (2) Section 128 of the <sup>M1</sup>Finance Act 1990 (power to provide for repayment of fees and charges) applies to any power under this Act to make provision for payment of a fee or charge as it applies to any power to make such provision conferred before that Act was passed.

#### Marginal Citations

- M1** 1990 c. 29.

### 59 Regulations: offences.

- (1) A person who contravenes or fails to comply with any regulations under this Act (other than any regulations under section 24, 26, 27 or 28) is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding—
  - (a) in the case of regulations prescribed by regulations made by the Secretary of State as regulations to which this paragraph applies, level 3 on the standard scale, and
  - (b) in any other case, level 2 on the standard scale.
- (3) The prescribing of regulations as regulations to which subsection (2)(a) applies does not affect the punishment for a contravention of, or failure to comply with, the regulations before they were so prescribed.
- (4) Regulations under section 24 or 28 may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence.
- (5) A person guilty of such an offence is liable on summary conviction to a fine not exceeding—
  - (a) in the case of regulations under section 24, level 1 on the standard scale, and
  - (b) in the case of regulations under section 28, level 3 on the standard scale.
- [<sup>F3</sup>(6) The Secretary of State may, if he sees fit, compound any proceedings for an offence—
  - (a) under subsection (1), or
  - (b) under regulations under section 24 or 28.]

#### Textual Amendments

- F3** S. 59(6) inserted (29.4.1996) by 1996 c. 8, s. 23, **Sch. 2 para. 15**

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#### Modifications etc. (not altering text)

C1 S. 59(2)(a) applied (1.9.2001) by S.I. 2001/561, reg. 11(4)

## 60 Orders.

- (1) Any power of the Secretary of State to make an order under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under section 3(3) [<sup>F4</sup>, paragraph 18(4) of Schedule 1] or paragraph 8 of Schedule 4 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order is to be made under paragraph 5(5) of Schedule 1 unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

#### Textual Amendments

F4 Words in s. 60(2) inserted (1.5.1995 with effect as mentioned in Sch. 4 para. 29 of the amending Act) by 1995 c. 4, s. 19, Sch. 4 Pt. IV paras. 25, 29

### *Interpretation*

#### [<sup>F5</sup>60A Meaning of “revenue weight”.

- (1) Any reference in this Act to the revenue weight of a vehicle is a reference—
  - (a) where it has a confirmed maximum weight, to that weight; and
  - (b) in any other case, to the weight determined in accordance with the following provisions of this section.
- (2) For the purposes of this Act a vehicle which does not have a confirmed maximum weight shall have a revenue weight which, subject to the following provisions of this section, is equal to its design weight.
- (3) Subject to subsection (4), the design weight of a vehicle is, for the purposes of this section—
  - (a) in the case of a tractive unit, the weight which is required, by the design and any subsequent adaptations of that vehicle, not to be exceeded by an articulated vehicle which—
    - (i) consists of the vehicle and any semi-trailer capable of being drawn by it, and
    - (ii) is in normal use and travelling on a road laden;
  - and
  - (b) in the case of any other vehicle, the weight which the vehicle itself is designed or adapted not to exceed when in normal use and travelling on a road laden.
- (4) Where, at any time, a vehicle—
  - (a) does not have a confirmed maximum weight,
  - (b) has previously had such a weight, and
  - (c) has not acquired a different design weight by reason of any adaptation made since the most recent occasion on which it had a confirmed maximum weight,

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the vehicle's design weight at that time shall be equal to its confirmed maximum weight on that occasion.

- (5) An adaptation reducing the design weight of a vehicle shall be disregarded for the purposes of this section unless it is a permanent adaptation.
- (6) For the purposes of this Act where—
- (a) a vehicle which does not have a confirmed maximum weight is used on a public road in the United Kingdom, and
  - (b) at the time when it is so used—
    - (i) the weight of the vehicle, or
    - (ii) in the case of a tractive unit used as part of an articulated vehicle consisting of the vehicle and a semi-trailer, the weight of the articulated vehicle,
 exceeds what, apart from this subsection, would be the vehicle's design weight,
- it shall be conclusively presumed, as against the person using the vehicle, that the vehicle has been temporarily adapted so as to have a design weight while being so used equal to the actual weight of the vehicle or articulated vehicle at that time.
- (7) For the purposes of this Act limitations on the space available on a vehicle for carrying a load shall be disregarded in determining the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden.
- (8) A vehicle which does not have a confirmed maximum weight shall not at any time be taken to have a revenue weight which is greater than the maximum laden weight at which that vehicle or, as the case may be, an articulated vehicle consisting of that vehicle and a semi-trailer may lawfully be used in Great Britain.
- (9) A vehicle has a confirmed maximum weight at any time if at that time—
- (a) it has a plated gross weight or a plated train weight; and
  - (b) that weight is the maximum laden weight at which that vehicle or, as the case may be, an articulated vehicle consisting of that vehicle and a semi-trailer may lawfully be used in Great Britain;
- and the confirmed maximum weight of a vehicle with such a weight shall be taken to be the weight referred to in paragraph (a).
- (10) Where any vehicle has a special maximum weight in Northern Ireland which is greater than the maximum laden weight at which that vehicle or, as the case may be, an articulated vehicle consisting of that vehicle and a semi-trailer may lawfully be used in Great Britain, this section shall have effect, in relation to that vehicle, as if the references to Great Britain in subsections (8) and (9) were references to Northern Ireland.
- (11) For the purposes of this section a vehicle has a special maximum weight in Northern Ireland if an order under Article 29(3) of the <sup>M2</sup>Road Traffic (Northern Ireland) Order 1981 (authorisation of use on roads of vehicles and trailers not complying with regulations) has effect in relation to that vehicle for determining the maximum laden weight at which it may lawfully be used in Northern Ireland or, as the case may be, for determining the maximum laden weight at which an articulated vehicle consisting of that vehicle and a semi-trailer may lawfully be used there.]

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**Textual Amendments**

- F5** S. 60A inserted (1.5.1995 with effect as mentioned in [Sch. 4 para. 29](#) of the amending Act) by [1995 c. 4, s. 19, Pt. IV paras. 26, 29](#)

**Marginal Citations**

- M2** [S.I. 1981/154 \(N.I. 1\)](#).

**61 Vehicle weights.**

(1) In this Act a reference to the plated gross weight of a goods vehicle or trailer is a reference—

- (a) in the case of a trailer which may lawfully be used in Great Britain without a Ministry plate (within the meaning of regulations under section 41 or 49 of the <sup>M3</sup>Road Traffic Act 1988), to the maximum laden weight at which the trailer may lawfully be used in Great Britain, and
- (b) otherwise, to the weight which is the maximum gross weight which may not be exceeded in Great Britain for the vehicle or trailer as indicated on the appropriate plate.

(2) In this Act a reference to the plated train weight of a vehicle is a reference to the weight which is the maximum gross weight which may not be exceeded in Great Britain for an articulated vehicle consisting of the vehicle and any semi-trailer which may be drawn by it as indicated on the appropriate plate.

(3) In subsections (1) and (2) “appropriate plate”, in relation to a vehicle or trailer, means—

- (a) where a Ministry plate (within the meaning of regulations under section 41 or 49 of the Road Traffic Act 1988) has been issued, or has effect as if issued, for the vehicle or trailer following the issue or amendment of a plating certificate (within the meaning of Part II of that Act), that plate, <sup>F6</sup>and]
- (b) where paragraph (a) does not apply but such a certificate is in force for the vehicle or trailer, that certificate, <sup>F7</sup>. . .

<sup>F7</sup>(c) . . . . .

<sup>F8</sup>(3A) Where it appears to the Secretary of State that there is a description of document which—

- (a) falls to be treated for some or all of the purposes of the <sup>M4</sup>Road Traffic Act 1988 as if it were a plating certificate, or
- (b) is issued under the law of any state in the European Economic Area for purposes which are or include purposes corresponding to those for which such a certificate is issued,

he may by regulations provide for references in this section to a plating certificate to have effect as if they included references to a document of that description.]

(4) . . . . .

<sup>F9</sup>(5) . . . . .

(6) In this Act “weight unladen”—

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- (a) in England and Wales and Scotland, has the same meaning as it has for the purposes of the <sup>M5</sup>Road Traffic Act 1988 by virtue of section 190 of that Act, and
- [<sup>F10</sup>(b) in Northern Ireland, has the same meaning as it has for the purposes of the Road Traffic (Northern Ireland) Order 1995 by virtue of Article 7 of that Order.]

<sup>F9</sup>(7) .....

- (8) In this section “trailer” has the same meaning as in Part VIII of Schedule 1.

#### Textual Amendments

- F6** Words in s. 61(3)(a) inserted (1.5.1995 with effect as mentioned in Sch. 4 para. 29 of the amending Act) by 1995 c. 4, s. 19, Sch. 4 paras. 27(1)(a), 29
- F7** S. 61(3)(c) and preceding word repealed (1.5.1995 with effect as mentioned in Sch. 4 para. 29 and Sch. 29 Pt. V(2) Note of the amending Act) by 1995 c. 4, ss. 19, 162, Sch. 4 paras. 27(1)(b), 29, Sch. 29 Pt. V(2) Note
- F8** S. 61(3A) inserted (1.5.1995 with effect as mentioned in Sch. 4 para. 29 of the amending Act) by 1995 c. 4, s. 19, Sch. 4 Pt. IV paras. 27(2), 29
- F9** S. 61(4)(5)(7) repealed (1.5.1995 with effect as mentioned in Sch. 4 para. 29 and Sch. 29 Pt. V(2) Note of the amending Act) by 1995 c. 4, ss. 19, 162, Sch. 4 Pt. IV paras. 27(3), 29, Sch. 29 Pt. V(2) Note
- F10** S. 61(6)(b) substituted (29.4.1996) by 1996 c. 8, s. 22(4)

#### Marginal Citations

- M3** 1988 c. 52.
- M4** 1988 c. 52.
- M5** 1988 c. 52.

### [<sup>F11</sup>61A Certificates etc. as to vehicle weight.

- (1) The Secretary of State may by regulations make provision—
  - (a) for the making of an application to the Secretary of State for the issue of a certificate stating the design weight of a vehicle;
  - (b) for the manner in which any determination of the design weight of any vehicle is to be made on such an application and for the issue of a certificate on the making of such a determination;
  - (c) for the examination, for the purposes of the determination of the design weight of a vehicle, of that vehicle by such persons, and in such manner, as may be prescribed by the regulations;
  - (d) for a certificate issued on the making of such a determination to be treated as having conclusive effect for the purposes of this Act as to such matters as may be prescribed by the regulations;
  - (e) for the Secretary of State to be entitled, in cases prescribed by the regulations, to require the production of such a certificate before making a determination for the purposes of section 7(5); and
  - (f) for appeals against determinations made in accordance with the regulations.
- (2) Regulations under this section may provide for an adaptation of a vehicle—
  - (a) to be taken into account in determining the design weight of a vehicle in a case to which section 60A(6) does not apply, or

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- (b) to be treated as permanent for the purposes of section 60A(5),  
if, and only if, it is an adaptation with respect to which a certificate has been issued  
under the regulations.
- (3) Regulations under this section may provide that such documents purporting to be  
plating certificates (within the meaning of Part II of the <sup>M6</sup>Road Traffic Act 1988) as  
satisfy requirements prescribed by the regulations are to have effect, for some or all  
of the purposes of this Act, as if they were certificates issued under such regulations.
- (4) Without prejudice to the generality of the preceding provisions of this section,  
regulations under this section may, in relation to—
- (a) the examination of a vehicle on an application under the regulations, or  
(b) any appeals against determinations made for the purposes of the issue of a  
certificate in accordance with the regulations,  
make provision corresponding to, or applying (with or without modifications), any of  
the provisions having effect by virtue of so much of sections 49 to 51 of the <sup>M7</sup>Road  
Traffic Act 1988 as relates to examinations authorised by virtue of, or appeals under,  
any of those sections.
- (5) In this section “design weight” has the same meaning as in section 60A.]

#### Textual Amendments

**F11** S. 61A inserted (1.5.1995 with effect as mentioned in [Sch. 4 para. 29](#) of the amending Act) by [1995 c. 4, s. 19, Sch. 4 Pt. IV paras. 28, 29](#)

#### Marginal Citations

**M6** 1988 c. 52.  
**M7** 1988 c. 52.

### [<sup>F12</sup>61B Certificates as to reduced pollution.

- (1) The Secretary of State may by regulations make provision—
- (a) for the making of an application to the Secretary of State for the issue in  
respect of an eligible vehicle of a reduced pollution certificate;
- (b) for the manner in which any determination of whether to issue such a  
certificate on such an application is to be made;
- (c) for the examination of an eligible vehicle, for the purposes of the  
determination mentioned in paragraph (b), by such persons, and in such  
manner, as may be prescribed;
- (d) for a fee to be paid for such an examination;
- (e) for a reduced pollution certificate to be issued in respect of an eligible vehicle  
if, and only if, it is found, on a prescribed examination, that the reduced  
pollution requirements are satisfied with respect to it;
- (f) for the form and content of such a certificate;
- (g) for such a certificate to be valid for such period as the Secretary of State may  
determine;
- (h) for the revocation, cancellation or surrender of such a certificate before the  
end of any such period;

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- (i) for the Secretary of State to be entitled to require the return to him of such a certificate that has been revoked;
  - (j) for the fact that such a certificate is, or is not, in force in respect of a vehicle to be treated as having conclusive effect for the purposes of this Act as to such matters as may be prescribed;
  - (k) for the Secretary of State to be entitled, in prescribed cases, to require the production of such a certificate before making a determination for the purposes of section 7(5); and
  - (l) for appeals against any determination not to issue such a certificate.
- (2) For the purposes of this Act, the reduced pollution requirements are satisfied with respect to a vehicle at any time if, as a result of adaptations of the prescribed description having been made to the vehicle after the prescribed date, the prescribed requirements are satisfied at that time with respect to the rate and content of the vehicle's emissions.
- (3) Without prejudice to the generality of subsection (1), for the purpose of enabling the Secretary of State to determine whether the reduced pollution requirements are satisfied at any time with respect to a vehicle in respect of which a reduced pollution certificate is in force, regulations under this section—
- (a) may authorise such person as may be prescribed to require the vehicle to be re-examined in accordance with the regulations;
  - (b) may provide for a fee to be paid for such a re-examination;
  - (c) may provide for the refund of such a fee if it is found, on the prescribed re-examination, that the reduced pollution requirements are satisfied with respect to the vehicle.
- (4) In this section “eligible vehicle” means—
- (a) a bus, as defined in paragraph 3(2) of Schedule 1;
  - (b) a vehicle to which paragraph 6 of Schedule 1 applies;
  - (c) a haulage vehicle, as defined in paragraph 7(2) of Schedule 1, other than a showman's vehicle; or
  - (d) a goods vehicle, other than one falling within paragraph 9(2) or 11(2) of Schedule 1.
- (5) In this section “prescribed” means prescribed by regulations made by the Secretary of State.]

#### Textual Amendments

**F12** S. 61B inserted (31.7.1998) by 1998 c. 36, s. 16, **Sch. 1 para. 2**

## 62 Other definitions.

- (1) In this Act, unless the context otherwise requires—
- “axle”, in relation to a vehicle, includes—
- (a) two or more stub axles which are fitted on opposite sides of the longitudinal axis of the vehicle so as to form a pair in the case of two stub axles or pairs in the case of more than two stub axles,
  - (b) a single stub axle which is not one of a pair, and
  - (c) a retractable axle,



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(“stub axle” meaning an axle on which only one wheel is mounted),

<sup>F13</sup>  
...

“business” includes the performance by a local or public authority of its functions,

“disabled person” means a person suffering from a physical or mental defect or disability,

“exempt vehicle” means a vehicle in respect of which vehicle excise duty is not chargeable,

<sup>F13</sup>  
...

“goods vehicle” means a vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or not,

“motor dealer” means a person carrying on the business of selling or supplying vehicles,

“motor trader” means—

- (a) a manufacturer or repairer of, or dealer in, vehicles, or
- (b) any other description of person who carries on a business of such description as may be prescribed by regulations made by the Secretary of State,

and a person is treated as a dealer in vehicles if he carries on a business consisting wholly or mainly of collecting and delivering vehicles, and not including any other activities except activities as a manufacturer or repairer of, or dealer in, vehicles,

[<sup>F14</sup>“nil licence” means a document which is in the form of a vehicle licence and is issued by the Secretary of State in pursuance of regulations under this Act in respect of a vehicle which is an exempt vehicle,]

“public road”—

- (a) in England and Wales and Northern Ireland, means a road which is repairable at the public expense, and
- (b) in Scotland, has the same meaning as in the <sup>M8</sup>Roads (Scotland) Act 1984,

“registration mark” is to be construed in accordance with section 23(1),

“relevant right” is to be construed in accordance with section 27(3)(a) and (b),

“right of retention” is to be construed in accordance with section 26(1) and (2)(a),

“rigid goods vehicle” means a goods vehicle which is not a tractive unit,

<sup>F13</sup>  
...

<sup>F13</sup>  
...

“showman’s goods vehicle” means a showman’s vehicle which—

- (a) is a goods vehicle, and
- (b) is permanently fitted with a living van or some other special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered under this Act,

“showman’s vehicle” means a vehicle—

- (a) registered under this Act in the name of a person following the business of a travelling showman, and

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- (b) used solely by him for the purposes of his business and for no other purpose,  
 “temporary licence” is to be construed in accordance with section 9(1),  
 “tractive unit” means a goods vehicle to which a semi-trailer may be so attached that—
- (a) part of the semi-trailer is superimposed on part of the goods vehicle, and  
 (b) when the semi-trailer is uniformly loaded, not less than twenty per cent. of the weight of its load is borne by the goods vehicle,  
 “trade licence” is to be construed in accordance with section 11,  
 “vehicle” means a mechanically propelled vehicle,  
 “vehicle excise duty” is to be construed in accordance with section 1(1),  
 “vehicle licence” is to be construed in accordance with section 1(2), and  
 “vehicle tester” means a person, other than a motor trader, who regularly in the course of his business engages in the testing on roads of vehicles belonging to other persons.

[<sup>F15</sup>(1A) For the purposes of this Act, a vehicle is not an electrically propelled vehicle unless the electrical motive power is derived from—

- (a) a source external to the vehicle, or  
 (b) an electrical storage battery which is not connected to any source of power when the vehicle is in motion.]

(2) For the purposes of this Act and any other enactment relating to the keeping of vehicles on public roads, a person keeps a vehicle on a public road if he causes it to be on such a road for any period, however short, when it is not in use there.

#### Textual Amendments

- F13** Definitions in s. 62(1) repealed (1.5.1995 with effect as mentioned in Sch. 29 Pt. V(2) Note of the amending Act) by 1995 c. 4, s. 19, **Sch. 29 Pt. V(2)** Note
- F14** Definition in s. 62(1) inserted (1.4.1998) by 1997 c. 16, s. 18, **Sch. 3 para. 7(3)**; S.I. 1998/560, **art. 2**
- F15** S. 62(1A) inserted (29.4.1996 with effect as mentioned in s. 15(4) of the amending Act) by 1996 c. 8, **s. 15(3)(4)**

#### Marginal Citations

- M8** 1984 c. 54.

### Other supplementary provisions

#### 63 Consequential amendments.

The enactments and instruments specified in Schedule 3 are amended in accordance with that Schedule in consequence of the provisions of this Act.

#### 64 Transitionals etc.

Schedule 4 has effect for—

- (a) making transitional provisions in consequence of this Act and savings in connection with the repeals and revocations made by this Act,

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- (b) re-enacting provisions repealed by this Act when not in force, and
- (c) making transitory modifications of this Act.

**65 Repeals and revocations.**

The enactments specified in Part I of Schedule 5 are repealed, and the instruments specified in Part II of that Schedule are revoked, to the extent specified in the third column of that Schedule.

**66 Commencement.**

- (1) This Act shall come into force on 1st September 1994.
- (2) Subsection (1) is subject to Schedule 4.

**67 Extent.**

This Act extends to Northern Ireland.

**68 Short title.**

This Act may be cited as the Vehicle Excise and Registration Act 1994.

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